



Medical Quality Assurance Commission

January 11, 2013

Business Meeting Minutes

Medical Commission Members

Richard Brantner, MD, 1st Vice Chair
Les Burger, MD
Mike Concannon, Public Member
Jack Cvitanovic, Public Member
Athalia Clower PA-C - absent
Bruce Cullen, MD
Theresa Elders, Public Member
William Gotthold, MD, 2nd Vice Chair
Thomas Green, MD - absent
Ellen Harder, PA-C
Frank Hensley, Public Member

Bruce G. Hopkins, MD
Warren B. Howe, MD
Mark L. Johnson, MD
Peter Marsh, MD
Mimi Pattison MD, Chair
Linda Ruiz, JD, Public Member
Michelle Terry, MD
Mimi Winslow, JD, Public Member
Vacant Position
Vacant Position

Medical Commission Staff

Maryella Jansen, Executive Director
Julie Kitten, Operations Manager
Dani Newman, Program Manager
Melissa McEachron, Projects Manager
George Heye, MD, Medical Consultant
Jim Smith, Chief Investigator
Micah Matthews, Performance & Outreach Mgr.
Vicki Creighton, Administrative Assistant

Mike Farrell, Legal Unit Manager
Larry Berg, Staff Attorney
Karen Caille, Staff Attorney
Suzanne Mager, Staff Attorney
Teresa Landreau, Staff Attorney
Jim McLaughlin, Staff Attorney
Robert Horner, Compliance Officer
Mike Kramer, Compliance Officer

Others in Attendance

Heather Carter, Assistant Attorney General
(AAG)
Michael Hall, AAG
Charles Meredith, MD, Washington Physician
Health Program (WPHP)
Michelle Singer, Adjudicative Clerk Office
(ACO), Department of Health

Tracy Bahm, AAG
Colin Caywood, AAG
Yanling Yu, Washington Advocates for
Patient Safety
Rex Johnson, Washington Advocates for
Patient Safety

BUSINESS MEETING

CALL TO ORDER

Mimi Pattison, MD, Chair, called the meeting of the Washington State Medical Quality Assurance Commission (MQAC) to order at 8:04 a.m. on January 11, 2013, at the Blackriver Training and Conference Center, 800 Oakesdale Avenue SW, Renton, Washington 98057.

1.0 CHAIR REPORT

Dr. Pattison welcomed the commissioners and staff to the first Commission meeting of 2013. She thanked everyone for their hard work and the use of the Consent Agenda.

Dr. Pattison welcomed the newest commissioner, Warren Howe, MD. Dr. Howe provided a brief report, on his background and medical training. Dr. Howe stated he is looking forward to being of service with the Commission, and working with everyone.

Dr. Pattison reported that Ron Schneeweiss, MBChB resigned from the Commission. Work continues to fill the Commission vacancies.

2.0 CONSENT AGENDA

The Consent Agenda contained the following items for approval:

- 2.1** Minutes from the November 16, 2012 Business Meeting.
- 2.2** Agenda for January 11, 2013.
- 2.3** Ratification of the licenses issued to Physicians, Limited Physicians and Physician Assistants from November 16, 2013 through January 10, 2013.

MOTION: The Chair entertained a motion to approve the Consent Agenda as written. The motion was seconded and approved unanimously.

3.0 OLD BUSINESS

3.1 Maintenance of Licensure Task Group

Dr. Gotthold reported on maintenance of licensure and discussed the article from *The New England Journal of Medicine* "Ensuring Physicians Competence - Is Maintenance of Certification the Answer?" (January 8, 2013 FSMB eNEWS). Dr. Gotthold stated there is no activity at this time but to keep an eye on the evolution of this process.

The Commission discussed a possible rule change with regard to FSMB Resolution 12-3, Participation in American Board of Medical Specialties' (AMBS) Maintenance of Certification (MOC) and the American Osteopathic Association Bureau of Osteopathic Specialists' (AOA BOS) Osteopathic Continuous Certification (OCC) Programs to Meet continuing medical education (CME) Requirements for License Renewal.

3.2 Pain Management

Dr. Pattison reported that on Sunday, January 6 a Vancouver newspaper *The Columbian* published a follow-up article “Prescribing prognosis mostly positive” written by a *Columbian* staff reporter Marissa Harshman. Dr. Pattison commented that this was a well balanced article. She also referenced another news article from the *USA Today* entitled “FDA might tighten reins on Vicodin”. The Drug Enforcement Administration (DEA), has requested to elevate the drug, Vicodin, from Schedule III to Schedule II, decreasing refills to 30 days rather than 6 months.

Micah Matthews, Performance and Outreach Manager, reported that the third webinar, in a three part series done in coordination with the Washington Community Migrant Health Centers, has not yet been rescheduled.

3.3 Budget Report

Maryella Jansen, Executive Director reported that Governor Gregoire released her budget on December 18, 2012. Ms. Jansen also reported that the three Commission decision packages put forward by the Department of Health made their way into the Governor’s proposed budget, which is good news.

3.4 Disclosure and Resolution Process

Bruce Cullen, MD has nothing to report.

4.0 **NEW BUSINESS**

4.1 Scheduling of Hearings

Dr. Pattison reported there would be changes in scheduling of future Commission hearings. Dr. Pattison introduced Michelle Singer of the Adjudicative Clerk Office (ACO), Health System Quality Assurance Department of Health.

Ms. Singer reported that ACO currently provides this service for all other healthcare professions within HSQA, and that she has been scheduling hearings for approximately ten years. Ms. Singer reported that the main change would be that Commission members would be working with her instead of Dani Newman, Program Manager. Ms. Singer will be the point of contact for securing, confirming and cancellation of future Commission hearings.

4.2 Correction to October 5, 2012 Meeting Minutes

Ms. Newman reported on the correction needed to the October 5, 2012 Business Meeting Minutes, 3.2. The name of the clinic was incorrect and should read “Rockwood” not “Rockwell”.

MOTION: The Chair entertained a motion to correct the October 5, 2012 Business Meeting Minutes 3.2, from “Rockwell” to “Rockwood”. The motion was seconded and approved unanimously.

4.3 2013 Legislative Report

Ms. Jansen reported that the 2013 legislative session would begin on Monday January 14, and last for 105 days. “Meet Me” calls began last week and occur every Tuesday morning from 8:30 to 9 a.m. Les Burger, MD and Dr. Gotthold represent the Commission on those calls.

Dr. Burger reported that these calls are a very important process, and there are a large group of individuals on the call.

Ms. Jansen reported that the House Health Care and Wellness Committee would be having a work session next Tuesday, January 15 at 1:30 p.m. The Committee will hear information about the Department of Health. Commissioners are encouraged to access that work session on TVW.

Ellen Harder, PA-C reported that the Washington Association for Physician Assistants (WAPA) intends to introduce bills that may impact the Commission.

5.0 PUBLIC COMMENT

The following individual provided public comment

- Yanling Yu, Washington Advocates for Patient Safety.

6.0 COMMITTEE REPORTS

6.1 Policy Committee

Linda Ruiz, JD, Public Member, Policy Committee Chair, reported on items discussed at the Policy Committee meeting on January 10, 2013.

- **Guidelines on Retention of Medical Records When Closing a Practice, MD2005-03**

Ms. Ruiz reported that Richard Brantner, MD had reviewed the policies in a number of states regarding this issue, and reported that the Commission’s current policy is consistent with those policies. Dr. Brantner did recommend the addition of language regarding the use of modern electronic tools, and will bring draft changes to the next Policy Committee.

- **Whistleblower Protection Procedure, MD2013-02:**

Ms. Ruiz reported that the Policy Committee reviewed the draft Whistleblower Protection Procedure and recommended this draft document be brought to the full Commission for possible approval.

MOTION: The Chair entertained a motion to approve the draft procedure. The motion was seconded and approved unanimously.

- **Review procedure for Update!, the quarterly newsletter of the Medical Commission, Draft Policy and Procedure, MD 2013-01**Ms. Ruiz reported that the Policy Committee recommended bringing this draft policy/procedure to the full Commission for possible approval.

MOTION: The Chair entertained a motion to approve the draft policy/procedure. The motion was seconded and approved unanimously.

- **Panel Composition Protocol**
Ms. Ruiz reported that the Policy Committee recommended bringing the revised protocol to the full Commission for possible approval, with the following recommended changes:
 - C. 9 Change “should, but does not have to” to “shall”
 - C. 12 Change “must” to “should, whenever possible,”

MOTION: The Chair entertained a motion to approve the revised Panel Composition Protocol with the recommended changes. The motion was seconded and approved unanimously.

6.2 Social Media Subcommittee

Terri Elders, Public Member, Social Media Subcommittee Chair, reported that Suzanne Mager, JD, Staff Attorney is currently drafting a policy on social media, which should be prepared by the next meeting.

Dr. Pattison thanked Ms. Elders and the Social Media Subcommittee for their work.

7.0 MEMBER REPORTS

- Mark Johnson, MD reported that the Washington State Medical Association Board (WSMA) will meet the first Sunday of February. Dr. Johnson is a member of this Board.
- Les Burger, MD reported that he attended his first meeting of the Ethics and Professionalism Committee, of the Federation of State Medical Boards (FSMB). Electronic medical records were the topic, and Dr. Burger stated there are many federal regulations regarding these records.
- Dr. Pattison reported that Jennifer Hanscom, the new Executive Director and Chief

Executive Officer of the WSMA and Nick Rajacich, MD, will hopefully accept our invitation and join the Commission for a dialogue session at the April meeting, as well as an office visit.

8.0 STAFF MEMBER REPORTS

8.1 Executive Director –

Ms. Jansen reported that she had received an invitation by FSMB to attend a two day meeting in Texas regarding the Uniform Application process. Ms. Jansen and Mr. Mathews will attend this meeting January 16 and 17, 2013.

8.2 Assistant Attorney General –

Heather Carter, AAG had nothing to report.

8.3 Operations Manager –

Julie Kitten, Operations Manager had nothing to report.

8.4 Program Manager –

Ms. Newman thanked Ms. Singer for attending the meeting, and speaking on the upcoming changes to the scheduling of Commission hearings. Ms. Newman provided details regarding the hearing to take place at the Embassy Hotel beginning at 10:30 a.m.

8.5 Project Manager –

Melissa McEachron, Project Manager reported on the progress of the online demographics census, which is entering the final testing stage. The current return rate on the census is 50 percent.

Dr. Burger thanked Ms. McEachron, Nick Morris and Kathy Franks, data compliers, for their work on the demographic census.

Ms Elders thanked Ms. McEachron for processing travel checks so quickly.

8.6 Medical Consultant –

George Heye, MD, Medical Consultant reported that the investigators do a great job. Dr. Heye also stated if additional information is needed on a particular case, Commissioners should not hesitate to contact the investigator, Jim Smith, Chief Investigator, and or the attorneys.

8.7 Performance and Outreach Manager -

Mr. Matthews asked that Workshop Planning Committee be resurrected. Mr. Mathews reported that Glen O. Gabbard, MD has been secured as a speaker for the October 2013 workshop. Dr. Gabbard is a nationally known expert from Baylor University.

Mr. Mathews reported that a new performance measure was created at the request of the Urban Institute to capture the number of cases completed within 180 and 360 days.

Mr. Matthews also reported that the newsletter is on track to be published at the end of January.

8.8 Legal Manager –

Mike Farrell, JD, Legal Unit Manager followed up on Mr. Matthews's report and informed the Commission that in Fiscal Year 2012, the Commission resolved 88 percent of complaints within 180 days and 96 percent of complaints within 360 days. Mr. Farrell also reported that the Legal Unit has hired a legal secretary, who starts February 1.

8.9 Chief Investigator –

Mr. Smith reported that the Investigation Unit has hired a new administrative assistant. Mr. Smith also reported that Renee Bruess, an investigator in the Spokane Office is in the final stages of her Master's program and is currently working with Dr. Gotthold on her final project.

10.0 ADJOURNMENT

The Chair called the meeting adjourned at 9:20 a.m.

Submitted by

Dani Newman, Program Manager

Mimi Pattison, MD, FAAHPM, Chair
Medical Quality Assurance Commission

Approved February 22, 2013